



Dkt. 51917-CB-PCT-US/JPW/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David Pinsky et al.

U.S. Serial No.: 10/692,439

Examiner: M. Szperka

Filed : October 22, 2003

Art Unit: 1644

For : METHODS FOR TREATING AN ISCHEMIC DISORDER AND
IMPROVING STROKE OUTCOME

1185 Avenue of the Americas
New York, New York 10036
May 5, 2008

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. §1.137(b)

Applicants hereby petition for revival of the above-identified application. Applicants are filing this Petition promptly after becoming aware that the subject application became abandoned.

Requirements of Petition to Revive

A petition under 37 C.F.R. §1.137(b) must be accompanied by:

- (1) the petition fee set forth in 37 C.F.R. §1.17(m)
- (2) the proper reply, i.e. the missing requirement(s) under 35 U.S.C. §371(c);
- (3) a statement that the entire delay was unintentional; and
- (4) any terminal disclaimer and fee required pursuant to 37 C.F.R. §1.137(d) for an application filed before June 8, 1995.

Petition Fee Required Under 37 C.F.R. §1.137(b) (2)

The fee for a Petition under 37 C.F.R. §1.137(b) set forth in 37 C.F.R. §1.17(m) for a small entity is \$1,540.00 and a check including this amount is enclosed.

05/08/2008 SLUANG1 00000016 10692439

01 FC:2453 770.00 OP

Repln. Ref: 05/08/2008 SLUANG1 0012273900
DA#:033125 Name/Number:10692439
FC: 9204 \$770.00 CR

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Required Reply Under 37 C.F.R. §1.137(b)(1)

Applicants are submitting herewith a Request for Continued Examination (RCE) and a Petition for Three-Month Extension of Time as the Required Reply Under 37 C.F.R. §1.137(b)(1) to the outstanding August 7, 2007 Final Office Action. The fee for filing an RCE is \$405.00 and the fee for a Three-Month Extension of Time is \$525.00. Applicants enclose a check which includes these amounts.

Statement that the Entire Delay in Filing the Required Reply was Unintentional Under 37 C.F.R. §1.137(b)(3)

A Final Office Action was issued on August 7, 2007 in connection with the above identified application. Applicants filed a response to the August 7, 2007 Final Office Action on November 7, 2007. The Examiner issued an Advisory Action in connection with the above identified application on December 3, 2007. In light of this Advisory Action, applicants filed a Supplemental Amendment In Response to August 7, 2007 Final Office Action on January 7, 2008. Accordingly, in order to maintain pendency of the subject application, action was required by applicants by February 7, 2008.

Applicants inadvertently did not take action to maintain the pendency of the application by the deadline of February 7, 2008. Consequently, the application became abandoned. On March 24, 2008, Examiner Szperka, to whom the subject application is assigned, contacted Brian Amos of the undersigned office to confirm that applicants had taken no action by February 7, 2008 to maintain the pendency of the subject application. During the March 24, 2008 telephone conference, Examiner Szperka indicated that the Supplementary Amendment filed on January 7, 2008 had not been entered. In addition, a Notice of Abandonment was issued by the United States Patent and Trademark Office on March 27, 2008 in connection with the subject application.

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Applicants maintain that the delay in filing the required reply was unintentional.

Terminal Disclaimer Under 37 C.F.R. §1.137(b)(4)

Because the subject utility application has a filing date of October 22, 2003 i.e. is after June 8, 1995, a terminal disclaimer is not required under 37 C.F.R. §1.137(d).

Summary

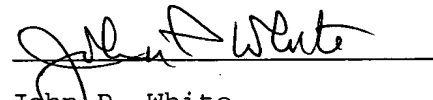
In view of the foregoing, applicants respectfully request revival of the subject application.

If a telephone interview would be of assistance in resolving any issue in connection with this Petition, applicants' undersigned attorney invites the Patent Office to telephone him at the number provided below.

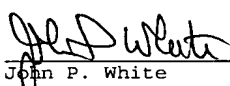
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No fee, other than the enclosed total fee of \$2,470.00, including a \$1,540.00 petition fee set forth in 37 C.F.R. §1.17(m), a \$405.00 RCE fee and a \$525.00 fee for a three-month extension of time, is deemed necessary in connection with the filing of this Petition. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:	
Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
 John P. White Reg. NO. 28,678	5/5/08 Date